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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,093	10/04/2000	Shridhar P. Joshi	47079-00064	1828

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EXAMINER	
CAPRON, AARON J	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 06/26/2002 7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/679,093	JOSHI, SHRIDHAR P.	
	Examiner	Art Unit	
	Aaron J. Capron	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39,46-55 and 87-93* is/are pending in the application.

4a) Of the above claim(s) *1-25 and 87-93* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-39 and 46-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2 and 3* .
4) ☐ Interview Summary (PTO-413) Paper No(s).
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

MARK SAGER
PRIMARY EXAMINER

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the invention of Group II in Paper No. 6 is acknowledged. The traversal is on the ground(s) that independent claims 1 and 86 are a species of at least independent claim 26 in that independent claim 1 calls for selecting visual elements in both the basic game and the bonus game on the gaming machine in response to the real time being a predetermined time. Claims 26 and 46 and their associated dependent claims require search for at least wagering games (class 463, subclass 25), but do not require bonus/secondary game aspects required by Group I claims. Therefore, Examiner disagrees with Applicant's remarks that no additional burden would be caused by inclusion of Group I claims. Restriction is maintained and made **FINAL**.

Claims 1-25 and 87-93 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a nonelected invention (Group I), the requirement having been traversed in Paper No. 6.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-28, 32-35 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Liverance '399 (hereafter "Liverance").

Liverance discloses a gaming machine that includes a processor for randomly selecting one of a plurality of outcomes of the gaming machine in response to a wager amount (abstract), the processor monitoring time signals from a clock (3:57-66); a display for displaying visual elements; and a memory device coupled to the processor and storing at least two data sets for producing at least two different types of visual elements, the processor selecting one of the at least two data sets in response to the processor monitoring a time signal corresponding to a predetermined time (5:20-36). Liverance teaches gaming machine programmed to alter display or game based on a particular time or calendar events such as holidays.

Referring to claims 27 and 28, Liverance discloses a gaming machine that includes the predetermined time is a calendar time and time of day (Abstract and 3:57-66) and the visual elements include tutorial routine for teaching history (9:48-60).

Referring to claims 32 and 33, Liverance discloses a gaming machine that includes the visual elements are associated with the plurality of outcomes (27:3-19) and the timing of the game (2:51-55).

Referring to claim 34, Liverance discloses a gaming machine that includes the predetermined time is a day in a calendar year, wherein the day is a holiday (3:57-66).

Referring to claims 37 and 38, Liverance discloses a gaming machine that includes visual elements that are animated objects (27:3-11).

Referring to claim 39, Liverance discloses using a clock that is internal to the processor (14:4-12).

Claims 46, 49 and 51-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Acres '483 (hereafter "Acres").

Acres discloses a method of operating a gaming machine that includes displaying a plurality of standard visual elements (1:58-2:11); monitoring real time (6:51-54); displaying a plurality of visual elements, the visual elements being associated with a holiday (2:46-2:52); randomly selected a plurality of outcomes of the gaming machine in response to the wager amount (slot machine).

Referring to claims 49 and 51, Acres discloses the steps of displaying include the steps of downloading data corresponding to the visual elements (1:33-57).

Referring to claims 53, Acres teaches a game machine programmed to alter game display for timed or calendar events such as holidays.

Referring to claims 54 and 55, Acres discloses a plurality of modified visual elements that are player selectable (video poker machines 1:58-2:11) and non-selectable (slot machine).

Claim 29 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Liverance. Liverance discloses a gaming machine that includes a display that has a CRT displays (Figure 20). Liverance's display is equivalent for providing visual output or visual game state to claimed dot matrix, LED, LCD or luminescent displays. Further, it is commonly or notoriously well known to use CRT, dot matrix, LED, LCD or electro-luminescent displays in gaming machines for visual display of game state. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add, as known equivalent, displays to Liverance's apparatus to visually display a game state.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30-31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liverance in view of Acres ('483).

Referring to claim 30, Liverance discloses different types of visual elements wherein the timer looks for holidays, but does not disclose having both a standard and a holiday motif. However, Acres discloses changing the pay tables during the holiday season (1:58-2:52). One would be motivated to combine Liverance and Acres since both references are based upon changing visual displays and using timers to affect the visual displays. Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to incorporate changing of display in reference to holidays because by updating the games the casinos would generate more interest in the same game machine for longer periods of time and therefore, reduce costs in buying new machines and labor to install the new machines.

Referring to claim 31, Liverance discloses a gaming machine that includes an aural stimulus in conjunction with a visual stimulus (3:8-16), but does not disclose having two audio sets for the different audio elements. However, Acres discloses that it is desirable to change the sound effects and appearance with respect to time, the rate of play and status of player (3:15-20). One would be motivated to combine Liverance and Acres since both references are based upon response and time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate separate audio elements into the separate video elements because the player would have a sense of additional audio stimulation with respect to the updating visual elements and therefore, be more interested in continuing play with the game.

Referring to claim 36, Liverance discloses a gaming machine that includes a scheduling/programming for timed events such as a holiday, but does not disclose the day including one day before and one day after the holiday. However, it is known in tourism and casino or gaming establishments that tourists/gamers increase their game play during holidays by traveling to gaming establishments to play Acres ('483, 8:49-65) both before and after. Further, the particular timing taught by Liverance and Acres is discretionary as each teaches, based on the desired incentive(s), the particular game owner wishes to emphasize that it is the particular timing events of calendar events are equivalent to Liverance's apparatus in view of Acres to provide incentive for players to continue playing or to entice gamers to play at designated times

of dates. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate ~~the idea of~~ having additional days around a holiday because users are more likely to travel around those times and casinos want the users to be attracted to their incentives ~~on~~ around the holidays, or holiday season.

Claims 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres.

Referring to claims 47, Acres discloses using a clock, but does not disclose using a clock that is external to the processor. It is well known in the art at the time the invention was made that network gaming devices have a host server that can monitor real time and therefore keep all gaming machines synchronized. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use in external clock because by changing the event times, it would be faster and more efficient to alter the host server instead of all of the gaming machines.

Referring to claim 50, Acres discloses using steps to download data from a memory device, but does disclose steps from downloading data from a memory device that is external. It is well known in the art at the time the invention was made that gaming devices that are included in a network often exchange information with a host server. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of the external memory device because by updating the host server, the changing of visual displays at the gaming machine would be faster than changing the game machines one by one..

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres in view of Liverance.

Referring to claim 48, Acres discloses using a clock but does not disclose using a clock that is internal to the processor. However, Liverance discloses using a clock that is internal to the processor. One would be motivated to combine Liverance and Acres since both references are based upon changing visual displays and using timers to affect the visual displays. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the internal clock into the Acres reference because in case the host server of Acres network fails the gaming machine can still monitor time and function correctly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3,533,629	5,533,727
5,524,888	5,941,773

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone

numbers for the organization where this application or proceeding is assigned are (703) 746-9302 for regular communications and (703) 746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
June 20, 2002

MARK SAGER
PRIMARY EXAMINER